

CITY OF MORGAN HILL  
JOINT REDEVELOPMENT AGENCY AND  
SPECIAL CITY COUNCIL MEETING  
MINUTES - OCTOBER 25, 2000

**CALL TO ORDER**

Chairman/Mayor Kennedy called the regular meeting to order at 7:00 p.m.

**ROLL CALL ATTENDANCE**

Present: Agency/Council Members Chang, Cook, Sellers, Tate and Chairman/Mayor Kennedy

**DECLARATION OF POSTING OF AGENDA**

Agency Secretary/City Clerk Torrez certified the meeting's agenda was duly noticed and posted in accordance with Government Code 54954.2.

**SILENT INVOCATION**

**PLEDGE OF ALLEGIANCE**

At the invitation of Chairman/Mayor Kennedy, Environmental Programs Manager Eulo led the Pledge of Allegiance.

**PROCLAMATION**

Mayor Kennedy presented Proclamations *for a job well done in developing a professional Exhibit for the City at the Taste of Morgan Hill* as follows: Jay Jaso, Pam Vasquez, Mori Struve, Karen Lengsfeld, Therese Lugger, Debbie Simon, Bob Gomez, Joyce Maskell, Tina Reza, Jim Rowe, and Thomas Silipin.

The Proclamation Declaring October 22-28, 2000 *World Population Awareness Week* was deferred to the next meeting.

**PUBLIC COMMENT**

Chairman/Mayor Kennedy opened the floor to public comment for items not appearing on the agenda. No comments were offered.

***Redevelopment Agency Action***

**CONSENT CALENDAR:**

**Action:** *On a motion by Agency Member Tate and seconded by Vice-chairman Sellers, the Agency Commission unanimously (5-0) **approved** Consent Calendar Items 1 and 2 as follows:*

**1. SEPTEMBER 2000 FINANCE AND INVESTMENT REPORT**

**Action:** *Accepted and filed report.*

**2. HOME IMPROVEMENT LOAN FOR 285 WEST MAIN STREET**

**Action:** *1) Approved An Additional \$20,000 Home Improvement Loan Under the Agency's Housing Rehabilitation Loan Program to Juan and Marie Diaz, and 2) Directed the Executive Director to Do Everything Necessary to Prepare and Execute Loan Documents or Amend Existing Documents.*

## ***City Council Action***

### **CONSENT CALENDAR:**

**Action:** *On a motion by Mayor Pro Tempore Tate and seconded by Council Member Cook, the City Council unanimously (5-0) approved Consent Calendar Items 3-6 as follows:*

**3. BI-ANNUAL VACANCY RATE SURVEY**

**Action:** *Established the Biannual Vacancy Rate for October 2000 as Recommended by the Planning Commission.*

Council Member Sellers noted that the vacancy rate continues to be very low even though there were 72 units constructed as part of a new project. He felt that it was worth noting that the vacancy rate is very low and that the costs for rental units are rising.

Mayor Kennedy stated that the City of San Jose has announced that it will be proceeding with the development of the Cisco campus. He felt that the Cisco development will cause an enormous impact to the community, noting that the City is already seeing a flurry of new restaurants, increased cost of housing, and the availability of rental space. He felt that it will be the city's challenge to do the best that it can to preserve the quality and character of Morgan Hill while Cisco and Coyote Valley are developed over the next five to ten years.

**4. SPECIAL CITY COUNCIL MEETING MINUTES OF OCTOBER 16, 2000**

**Action:** *Approved the Minutes as submitted.*

**5. SPECIAL CITY COUNCIL MEETING MINUTES OF OCTOBER 18, 2000**

**Action:** *Approved the Minutes as submitted.*

**6. AMICUS REQUEST FROM ENDEMAN, LINCOLN, TUREK & HEATER REGARDING RENT CONTROL CASE**

**Action:** *Authorized The City Attorney to Join the Cities of Cotati and Montclair in Support of the Amicus Brief Filed on Behalf of the State of Hawaii in Chevron USA, Inc. v. Cayetano.*

### **OTHER BUSINESS:**

**7. APPLICATION ZA-00-09: ST. LOUISE - SAN JOSE CHRISTIAN COLLEGE**

Director of Community Development Bischoff presented the staff report.

Mayor Kennedy said that it was his understanding that the request before the City Council is the question of procedure and not the merits of whether this is a good or bad site/application for a Christian College. It is a question of whether the procedure that the Planning Commission followed is correct and whether the City Council chooses to support the Commission's action or an alternative action.

Mr. Bischoff indicated that this application has not been advertised or scheduled for a public hearing on the merits of the zoning amendment application. This is just a procedural question of whether or not the City Council should request the Planning Commission not delay its action until it has the results of the Blue Ribbon Task Force. He indicated that a traffic analysis is currently underway and that staff will be receiving a rough draft of the study the first week in November. He expects that staff would review the report for comments and accuracy and that staff would have a complete report a week or two following receipt of the initial draft report.

Council Member Cook stated that the City Council received a letter from San Jose Christian College representatives, raising the issue of the Religious Act as it relates to land use. She asked if this is a topic that is appropriate for a Planning Commission to consider during its deliberation of the rezone application?

City Attorney Leichter responded that it was her understanding that the San Jose Christian College representatives have not appealed the Planning Commission's decision to the City Council on the basis of a violation of the Religious Act. The applicant's attorney informed her that they were bringing the existence of Act to the City's attention. It is not a basis for the appeal before the City Council this evening. Should this issue be raised at the Commission level, it may or may not be appropriate. She felt that this is an issue of a threat of litigation as opposed to a substantive basis to grant or deny the zoning amendment application.

Council Member Cook inquired how the City should approach this issue should it be raised at the Planning Commission level?

City Attorney Leichter responded that the City would approach the issue the same way it would approach any other legal issue or any other threat of litigation. She indicated that staff is aware of this issue and that it has analyzed the Religious Act and its effect on the matter before the City Council. She stated that she would advise the City Council in closed session accordingly.

Mayor Kennedy felt that it may be appropriate for the City Attorney to be in attendance at the Planning Commission meeting when this issue comes before it.

Mayor Kennedy opened the floor to public comment.

Dr. Roger Edrington, Executive Vice-president, San Jose Christian College, stated that this is the tenth City Council meeting which relates to this property. Due to the decision of the Planning Commission to table the application approximately a month ago, he requested to be placed on this agenda to review the reasons for the delay. He requested that the City Council adopt the second staff recommended action as listed on the agenda: To direct the Planning Commission to proceed on the substantive

matters relating to the zoning amendment application without consideration of the Community Healthcare Task Force recommendations. He did not believe zoning amendment application and the Task Force report were related. He stated that it was promised, in the early stages of discussion with the City Council, that it would keep these matters separate. He read from a portion of the July 12, 2000 City Council minutes, referring particularly to the City Manager's comments relating to ensuring that the process of considering the zoning is completely separate from the consideration of medical services. The City Council's decision tonight and the next few months relating to medical services are not connected to potential use of the property by the owner. He requested that the City Council send this word to the Planning Commission. The delay by weeks and months may not amount to much to some individuals but that it is important to San Jose Christian College. He said that the initial target date for beginning college classes was January 1, 2001 with a re target date of March 2000. The delay of the zoning amendment application has caused San Jose Christian College a great deal of time, effort and money.

Dr. Edrington requested that the City allow San Jose Christian to re-utilize the existing buildings. He noted that the General Plan indicates that the use of the site as public facilities which include public and higher educational uses. He felt that it is clear that a college will have less of an environmental impact to the community than a hospital. He noted that recommended approval of the zoning amendment. He felt that the few open Planning Commission issues can be addressed quickly. However, the Planning Commission has tabled this application indefinitely because of issues that are not directly in its purview. He indicated that an open hearing was held on September 26, 2000. He felt that good questions were raised by Planning Commissioners. However, he felt that there was some confusion as to what is a legitimate issue for the Planning Commission to discuss and what are issues for the City Council. He noted that a Planning Commissioner is a member of the Community Healthcare Task Force and is deeply involved in this issue. He stated that he knows that the Commission/Task Force Member works very hard to separate the issues. Several Commissioners have spoken before the City Council about their support of a hospital on his property. He stated that another Planning Commissioner held a meeting at the break of the September 12, 2000 Planning Commission meeting to organize neighborhood residents on how to attack the zoning application.

Dr. Edrington felt that there were legitimate discussions at the September 12, 2000 Planning Commission meeting regarding traffic and details of the plans. However, it is San Jose Christian College's belief that to wait for the results of the Healthcare Task Force is not an appropriate reason to table the application. He noted that one Planning Commissioner pointed out that evening that this is a strategic versus a planning issue. He requested that the City Council send this application back to the Planning Commission for the next available meeting. He said that several members of the City Council have made it clear that establishing the site for medical services is not in the scope or the task of the Community Healthcare Task Force. He felt that the City Council asked that the Task Force act independent of the site and that the City Council would not hold up the College's zoning decision because of the Task Force. He noted that the Healthcare Task Force reports to the City Council and not to the Planning Commission. He stated that there were a number of other red herrings that were thrown into the Planning Commission meeting that do not affect the use of the existing property on Cochrane Road. He said that San Jose Christian College members came out confused because of the variety of reasons given for tabling the application.

Dr. Edrington requested that this matter be dealt with in a fair, non prejudicial manner and not lumbered

with baggage from an issue that is not related to the application nor the use of the site. He felt that there seems to be an unspoken feeling that since this is a Christian college, a religious institution, that it can easily be dismissed or ignored. He requested that the City Council not confuse Jesus' meekness as weakness. It was his belief that San Jose Christian College is fulfilling God's will by moving the college to Morgan Hill. He stated that he has been patient in this process and going through long months of deliberation that deal with medical issues and not the issues of whether he can use the property or not. A vote against this kind of motion would show a bias and prejudicial approach by city government.

Dr. Edrington referred to his letter addressed to the City Clerk and the confusion that may have resulted by his reference about some individuals attacking the College's presence in the community on the basis of this particular view point of the world. He made it clear that he was not referring to a planning commission member, city staff, or officials but referring to community members' inferences about a Christian college as the worst possible use and other statements that attack his tax exempt status with inflammatory name calling. It was not clear whether these statements referred to religious freedoms and what connection they have to decisions which are being made. He understood that neither the Planning Commission nor the City Council are responsible for what members of the public say. However, because of the close connection of some of these individuals to city officials, the College needs confirmation that these issues are not the ones which the Planning Commission or City Council will consider negatively in the zoning application. He felt that the application stands on its own merits.

City Attorney Leichter referred to Dr. Edrington's comments relating to there being a close connection between members of the public who have allegedly made biased/anti Christian statements and their connection to Council Members. She asked if Dr. Edrington was specifically accusing the City Council of being biased? Mr. Edrington responded that he was not accusing the City Council of being biased. He indicated that some statements were made and that they were not clear. He requested verification from the City Council that any religious issues will not be at stake.

City Attorney Leichter asked Dr. Edrington if he felt that the Planning Commission was biased in hearing the zoning amendment application? Mr. Edrington responded that he did not contend that the Planning Commission was biased in their review of the zoning amendment application but felt that the Planning Commission may have some confusion about what is in their purview to discuss. He noted that several issues were raised at the Planning Commission hearing that were not clear were the reasons for the delay. He requested that the City Council send the zoning amendment application back to the Planning Commission with instructions that it deal with the application quickly. He said that the other issues are being raised because they were raised at the Planning Commission meeting by members of the public and were discussed by the Planning Commission. It was not clear to him the reasons for delay as there were four to five reasons given for the delay.

City Attorney Leichter noted that Dr. Edrington indicates that the initial goal for commencement of classes was January 1, 2001. She asked if Dr. Edrington imparted this information to staff at any time as she did not see this date identified in the record? Dr. Edrington responded that he did not recall if he advised staff as to the target date to commence classes.

City Attorney Leichter also noted that Dr. Edrington stated that the Council promised to keep these matters separately. It was her belief that this is a reference in the record not to the Blue Ribbon Task

Force but to the provision of medical services specifically to the site by the medical provider. Dr. Edrington stated that he did not understand the reason for the delay to await the Blue Ribbon Task Force report if it did not have to do with medical services at the Cochrane Road site.

Sandra Stroppa, 308 Tennant Station, spoke in favor of upholding the action of the Planning Commission. She stated that she is a widow, raising two young children and is taking care of a disabled elderly mother. She has been a member of the community since 1982. Until recently, she was fortunate to have insurance through Kaiser. Due to a personal situation, she no longer is able to afford medical insurance nor use the services of the Kaiser Facilities. Recently, one of her sons was in serious need of medical services. She did not feel that the situation warranted a call to the emergency room but that she was fortunate to be able to find a critical care walk-in clinic in Morgan Hill. With this recent medical need, it has come to mind what a critical issue medical service is for the community. It was her belief that the City Council has a duty not only to its constituents but also to the individuals who reside in the unincorporated areas that belong to the community of Morgan Hill. She stated that there was a great deal of time, emergency and money spent in Morgan Hill, Gilroy, and the County trying to decide if one hospital could serve all of south county. It was her recollection that it was stated that one hospital was not sufficient and that it was determined that the Cities of Gilroy and Morgan Hill each needed a full service hospital. It was her belief that only one thing has changed since it was decided that Morgan Hill needed its own full service medical facility and that is the need has become greater.

Zsolt Halmos, 18313 Solano Court, spoke in support of upholding the Planning Commission's decision. He said that he was the individual who came up with phrases at the Planning Commission meeting addressed by Dr. Edrington. He stated that he has nothing against the Christian School as he is a Christian himself and apologized if he offended anyone. He stated that he is an adjacent neighbor and that he is concerned with the use of the property. He felt that the application is related to medical services in Morgan Hill and that there were valid statements made regarding medical services. He stated that money has been spent on the Cochrane site for medical services. If these medical services are to be returned in the future, the cost would be greater. He stated that traffic is not the only issue. He requested that the City Council wait for the Blue Ribbon Task Force Committee to return with an opinion, one that is unbiased that will serve both sides fairly. His comments about the worst possible use of the property related to the displaced housing and the overall services to be provided by the college as well as the tax exemption status of the school and what that would mean to the city.

Bernie Mulligan, Chairman of the Blue Ribbon Task Force Committee, said that the Committee is meeting on a weekly basis as there is a lot of work to do. He did not want to eliminate the hospital site as a possible solution to the problem this evening. He requested that the Committee be allowed to finish its charge as it would be what is right for Morgan Hill.

Gavin Daplrile, President of the Coyote Estates Homeowners Association, requested that the City Council uphold the Planning Commission's action. He felt that development of the site is wrong for Morgan Hill. He felt that the Christian College is pressuring the City Council into making a decision. When San Jose Christian College purchased the site, he felt that they knew it was zoned for a hospital and that it was admitted that there were many hurdles to clear. He said that the bible college has been less than forth right in their intentions of the site. During the Planning Commission meeting, the college representatives stated that they wanted to use the site as a place of learning with an estimated 400 full-time students. They did not mention items that are listed on their web site (e.g., proposed to administer

to thousands of individuals moving to new homes adjacent to their campus and to provide a place for their students to minister; a radio station to administer to the millions of individuals in the bay area, and a proposed 400,000 square foot art center). At the Planning Commission meeting, there were questions about the facilities being used for sporting events, indicating that there was vagueness in the responses. He said that a facility of this magnitude would be objected to by a residential neighborhood and that this may be the reason that the use has been rejected 11 other times at 11 other sites. He distributed pictures of Mission View Drive depicting traffic congestion between the hours of 7:30 - 8:00 a.m. He expressed concern that he would be stuck in traffic trying to get to a hospital if the need ever arose.

Kit Greenberg stated that at the Planning Commission meeting, she made some statements that members of the Bible College community took offense to. She said that she is also a Christian which means that it is her responsibility to tell the truth. The truth is that the cost of the Bible College to this community is much greater than any benefit that it might provide. She felt that it was the responsibility and the duty of city government to plan the growth of Morgan Hill and to plan an orderly and appropriate growth pattern which will serve the needs of the community now and in the future. She felt that an appeal to the normal process is inappropriate. She noted that the Planning Commission tabled the zoning amendment application because it did not have sufficient evidence to make a correct decision. The Commission felt that the application was incomplete because it failed to describe additional plans for housing and sports facilities that the bible college said they wanted to build. No description of the impacts of the plans on the community relative to the environment, population, traffic or significant factors were given. The Planning Commission requested the applicants provide additional information about the plans for which have not been provided. She felt that this was an attempt to get a foot in the door and present the community with a fate accompli for additional uses, however damaging they may be. The Planning Commission also did not believe that it had sufficient information to assess the impacts on the change on the future of health care in the community. The Commission chose to delay their decision until the work of the Blue Ribbon Task Force on healthcare was completed and they had more information of what the people of Morgan Hill require in terms of local healthcare and what can readily be provided. She felt that rezoning the property would change significantly the range of options open to the city for this purpose. As long as the St. Louise site is viable for a hospital and the only site zoned for healthcare. She felt that the application is connected to healthcare. She noted that the City Council is being asked to require the Planning Commission to take action without the information that the City Council, citizens and the Planning Commission needs. She felt that it would be unwise to proceed without the information. She stated that San Jose's approval of Cisco last night guarantees a huge growth will occur in south county immediately, not five to ten years from now. She felt that the City needs to plan ahead and prepare itself to deal with the reality of this growth. She requested that the City Council take this small amount of time and make the right decision. She requested that the City Council deny the appeal.

Dennis Kane, 200 Burnett Avenue, stated that it takes him 45 minutes to an hour to take his wife to San Jose for her medical appointments. He noted that the St. Louise site would only take ten minutes to access. He felt that the issue is what Morgan Hill needs right now. If the proposal was a college that was open to all religions that teach all subjects, it would be a good use. However, this college would teach only one religion. He supported a Christian college but not at the Cochrane Road site as a hospital is needed for the residents of Morgan Hill. He felt that the Planning Commission should be given a chance to find out what the residents of Morgan Hill want in the community.

Barnom Lambert, 805 Campobello Court, stated that he is an engineer, working out of his home and that he takes care of his significant other's 88-year-old father. He said that he takes his significant other's father 6-7 times a month to hospitals located at different places which takes five hours out of his day. He moved to Morgan Hill because a hospital existed in Morgan Hill. He felt that the appropriate use of the property, building and structures is what they were designed for. Therefore, the appropriate use for the Cochrane Road site is a hospital. He said that one thing about government process is that delay is an appropriate tool as it causes everyone to consider issues and allows everyone to provide input. He did not believe that the transfer of land title means that you can use a piece of property for anything you wish to do with it and that properties are zoned for certain reasons. He indicated that he was educated as a minister and that he was ordained a Baptist minister. He stated that he does not have an objection to a Christian college locating in Morgan Hill as it would be an asset to the community. However, converting a good medical facility for another purpose does not make sense. He said that the last thing that he would want to do as a Christian is to take away an asset that is very valuable to the community and use it for what is deemed to be one's personal needs.

No other comments were offered.

Mayor Pro Tempore Tate stated that he appreciated the comments offered by the public. He was disappointed to read in the newspaper that this was a divisive issue, noting that everyone has stated that medical facilities are needed in the community. He felt that the City Council, Blue Ribbon Task Force, Planning Commission and community members agree that something needs to be done to return medical facilities in the community. However, it may not be agreed which parcel will be used for medical facilities. It was his belief that everyone is united with the fact that 24-hour urgent care and primary care physicians are needed in the community. He appreciated the sentiments and some of the justifications of the speakers. However, it was not his belief that the issue before the City Council this evening is zoning but a question of the process. He felt that the Planning Commission has every right to question traffic and anything that has to do with planning issues. However, he felt that the Blue Ribbon Task Force appointed by the City Council should report back to the City Council. Also, the City Council is the body who should state that it will not take action on the zoning application until it hears the recommendation of the Blue Ribbon Task Force. He did not believe that the Planning Commission should be the hurdle in the way of this. He recommended that the City Council request that the Planning Commission rule and make their assessment based on the information of traffic and other information needed from a planning standpoint and not await the report from the Blue Ribbon Task Force.

Council Member Sellers also appreciated the heart felt and relevant comments. He felt that the Planning Commission's purview is narrower than they believe it might be. However, he would like to give them some latitude in this regard if they believe that they need to be given a broader perspective. He recommended that the City Council give the Planning Commission a certain date by which they are to forward a recommendation to it. He recommended that the Planning Commission act upon the application in late December or early January. He noted that the Planning Commission will be considering traffic and other issues and that given the significance of this issue, may want to hold an additional meeting or need additional time. Allowing the Planning Commission the opportunity to wrap up their review of the zoning amendment application will allow them time to give some consideration to the Blue Ribbon Task Force recommendation due to be completed on December 20, 2000. This would also give a time certainty to the applicant. If the Planning Commission believes that there is some

relevancy to some of the Blue Ribbon Task Force comments, it would give them a chance to weigh the information and add some certainty to the process.

Council Member Cook concurred with the comments expressed by Mayor Pro Tempore Tate and Council Member Sellers that medical care is needed in the community. She felt that the City Council can make decisions that would speed up the process. She recommended that the Council direct the Planning Commission to look at the Christian College request as a planning issue. She did not believe that it was the Planning Commission's purview to decide what is politically correct or to decide how the community is to fund medical care in the community as these are City Council questions. She supported Mayor Pro Tempore Tate's recommendation that the City Council direct the Planning Commission to look at the zoning issue as a planning issue. The Planning Commission is to clearly communicate with the applicant what their concerns are and what needs to be done to clarify any information that is needed. The Planning Commission is to forward a recommendation to the City Council in order to best serve the applicant and the community. At the time, the City Council hears the Healthcare Blue Ribbon Task Force's recommendation on December 20, everything will be lined up and that the City Council will be able to take action. She felt that waiting until January 16, 2001 does the city, the planning process and the applicant a disservice.

Council Member Sellers felt that it was more than likely that it would take the Planning Commission until January 16 to review all planning issues. While he tends to agree that the Planning Commission's purview is narrower, he has respect for the Planning Commission and their deliberation process. If the Planning Commission feels that there is something broader that they would like to consider, he would like the Commission to give the City Council their input. He agreed that the City Council should forward its thoughts that as a rule, their purview is primarily on planning related issues and to ask that if they have a broader scope that it be justified or explained to the City Council.

Council Member Chang stated that she attends church on sundays on a regular basis. She brought her Bible to the meeting this evening and indicated that she had planned to quote from it. She was advised that she should not and therefore would not quote from the Bible. She stated that individuals who are making comments are doing so of their own freewill. She indicated that she believes in God and that she prays and seeks God's guidance on this issue. Whatever her decision, she would perceive it as God's message to her.

Mayor Kennedy addressed religious liberty and stated that it is not at stake. He would like to have the Christian College in Morgan Hill. However, it has always been his belief that the site should be preserved for a hospital and that his opinion has not changed. He felt that the issue of zoning and the use of the site are connected. He felt that it was within the Planning Commission's purview to look at planning issues. He felt that the location of medical services is a planning issue. The City needs to make sure that it has a site that provides the medical service needed in the community. He noted that the site exists today. If the Planning Commission was to act to give up the site, there would be no other site to locate a medical facility and that it would be a mistake to give up the site. He felt that the issues are connected and that it would be his hope to support the Planning Commission's decision to table this application until they have the information that they need. Regarding the motion that has been made to establish a date certain for the Planning Commission to return to the City Council in mid January, he was not sure if this would give them enough time to adequately address the issue. It was his belief that the City Council needs to hear from the Blue Ribbon Task Force's recommendation. He

acknowledged that there are differences among Council Members on the action that was taken in appointing the Blue Ribbon Task Force and what their specific mission is. It was his belief that the Blue Ribbon Task Force's scope was broader than what other Council Members believe. When he voted in support of the motion to establish the Task Force and give them a mission, it was his intention that the Task Force look at the mission in the broader sense. He stated that it would be his preference that the Planning Commission has the option of taking the time that it needs to make the correct decision.

Commissioner Tate felt that the City can be more streamlined and less bureaucratic than having two different bodies sequentially reviewing this issue. He felt that the Planning Commission can work in parallel with the Blue Ribbon Task Force and get the planning issues associated with the application addressed. He noted that the City Council commissioned the Blue Ribbon Task Force. If the City Council believes that the Blue Ribbon Task Force will influence the zoning decision on the property, the City Council should be the body that makes that determination as this would allow the process to be more efficient.

Council Member Cook indicated that the Planning Commission will begin its review of Measure P applications in the beginning of January, noting that this is a long and arduous time where extra meetings are held. She stated that if the Council can give a timeline to the Blue Ribbon Task Force, it can also work out a timeline for the Planning Commission to report to the City Council.

Director of Community Development Bischoff stated that assuming that the draft traffic study is ready the first week in November, it can be taken to the Planning Commission by the second or third week in November. He indicated that the Planning Commission has preliminarily indicated their intent of not holding a second meeting in November. It was his belief that the Planning Commission can review the traffic information at their December 12 meeting and that the Blue Ribbon Task Force report can be provided to the Planning Commission in advance of their January 9, 2001 meeting.

Planning Manager Rowe informed the City Council that the Planning Commission voted last night to approve its public hearing scheduled for the Measure P competition as January 9 and January 23. He indicated that the Planning Commission will be meeting on January 16, 2001 to deal with regular agenda items for that month. He said that the Commission can consider the General Plan Task Force recommendation, noting that the Council Chambers is being used by the Parks & Recreation Commission on January 16, 2001.

Council Member Cook felt that the Planning Commission was modifying their decision making process. If this is going to be the case, it was her belief that the Planning Commission would need more than one meeting. She did not want to see the Planning Commission delay an action beyond January 16, 2001 and that she did not want the application to interfere with the Measure P competition. She recommended that the Planning Commission begin the hearing process in December so that the applicant is not unduly delayed.

Council Member Chang stated that she trusts the judgement of the Planning Commission and supported identifying a time frame. However, she did not want to hinder their decision. She stated that she would have a difficult time not tying down some sort of medical solution prior to the Planning Commission making a decision on this issue. Therefore, she stated that she would like to give the Planning Commission enough time to study the issue. If January 16, 2001 does not work, she recommended that

the Planning Commission be given to the end of January to forward a recommendation to the City Council.

Council Member Sellers said that if the item is introduced to the Planning Commission on December 12, there may be a likelihood that there will be other issues raised that may or may not be relevant that need to be considered. Even if the Planning Commission considered the application, they may want to delay the application to January 16, 2001. He was not sure if the Planning Commission would want to consider the Blue Ribbon Task Force report.

**Action:** *Council Member Sellers made a motion, seconded by Mayor Kennedy, to stipulate that the City Council would like the Planning Commission to wrap up its proceedings on the zoning amendment application by January 16, 2001.*

Council Member Sellers said that if additional time is needed by the Planning Commission, the Commission can explain its reasons for extending its review to the City Council. He noted that it is a City Council goal to have this issue wrapped by January 16, 2001.

Mayor Kennedy stated his concurrence with the motion as he felt that if there was an overriding consideration to extend the review of the issue, it should be given.

Mayor Pro Tempore Tate supported having the Planning Commission review the traffic report on December 12. It was his understanding that the Planning Commission's schedule is to consider Measure P applications on January 9 and January 23. Also, the Planning Commission plans to meet for two hours prior to the Recreation Commission meeting, trying to fit all other items, not including this item, into a two-hour slot. He anticipates that this item would have a lot of individuals requesting to speak at that meeting and therefore, it would be a long meeting. He did not believe that it was good planning in what is being asked of the Planning Commission.

Council Member Chang felt that issue of medical needs for the community is more important than Measure P.

Mayor Kennedy recommended that an alternative meeting site be found for the Parks and Recreation Commission meeting in order to allow the Planning Commission to review the zoning amendment application. He stated his support of Council Member Sellers motion as stated.

Mayor Pro Tempore Tate stated that he did not support granting a delay as part of the motion. He felt that a message should be sent to the Planning Commission that the City Council will not entertain a delay as it was his belief that the issue needs to be decided.

Council Member Sellers stated that if the Planning Commission has some compelling reason that they need additional time to study the issue, they would request an extension from the City Council.

Council Member Chang stated that the Planning Commission makes its decisions based on planning issues. The Commission may not have enough information or that they may want to look at the entire development plan instead of the partial plan. She noted that this is the Commission's prerogative and not the City Council's. She requested that the Planning Commission be given flexibility to give them

time to do their job.

Council Member Sellers stated that it was his belief that should the Planning Commission need additional time, they would request that of the City Council. He clarified that the Council is urging the Planning Commission to move forward as quickly as possible. He felt that if additional time is needed, the Planning Commission needs to request said time from the City Council. It is the City Council's goal to have the Planning Commission forward a recommendation to it by January 16, 2001.

Council Member Cook stated that it is the Planning Commission's charge to move forward with its review of an application and that a recommendation be forwarded to the City Council. She asked why an extra step is being recommended that they come back and ask the City Council for additional time. It was her belief that the City Council identified its time frame for its review of this issue. If there is concern that the Planning Commission will be researching further issues, she would urge Council Member Sellers to amend the motion to direct a preliminary hearing of this issue in the middle of December. This would allow the Planning Commission the opportunity to receive all the information needed to make a decision on January 16, 2001.

Mayor Kennedy stated his support of Council Member Sellers' motion as stated as it provides some latitude and that it gets closer to the sense to what he is trying to convey.

**Vote:**        *On a motion by Council Member Sellers and seconded by Mayor Kennedy, the City Council, on a 3-2 vote with Council Member Cook and Mayor Pro Tempore Tate voting no, **forwarded** a statement to the Planning Commission that the City Council would like it to wrap up its decision of the zoning issue by January 16, 2001.*

Mayor Pro Tempore Tate respected the Council's decision on this matter in wanting to find medical solutions for the community. The Council may have different ways of achieving this goal. He did not believe that this was a divisive issue and that the City will achieve its goal of providing medical services to the community.

Council Member Chang stated that it is her hope that everyone can work together and come to a solution that will benefit the community as well as the Christian College.

Mr. DeYoung requested clarification of the motion. He inquired as to the process by which the decision will be made and by whom relative to when it returns to the Planning Commission? He asked when it is thought that the Planning Commission would hear the item? Planning Manager Rowe responded that it is proposed to have the zoning amendment application considered by the Planning Commission on January 16, 2001.

City Manager Tewes stated that it would be appropriate for staff to relay the City Council's direction. At the next Planning Commission public meeting, they will decide how they will deal with the City Council's direction.

Council Member Cook said that it was her understanding that the next time the Planning Commission would be considering this item would be January 16, 2001. If this is not the intent of the motion, she would agree to change her vote as she would like the Planning Commission to start its review at an

earlier date.

Council Member Sellers said that if he was a Planning Commissioner, he would get started with the review of the zoning amendment application, meeting on December 12 to get the process underway and deal with the issues, understanding the deadline.

City Attorney Leichter said that it would be normal for staff to communicate with the applicant and keep them apprized of the Planning Commission's actions and deliberation. With the motion adopted by the City Council this evening, it has agreed to take the procedural issue back to the Planning Commission and advise them that they have to wrap up their deliberation. The City Council is not identifying the number of meetings the Planning Commission needs to conduct as it is within their purview to decide how to deal with the City Council's direction.

Mayor Pro Tempore Tate stated that the reason for his no vote was that it was his belief that the Blue Ribbon Task Force should report back to the City Council and not the Planning Commission. He felt that the City Council has the discretion not to change zoning based on the Blue Ribbon Task Force recommendation and not at the Planning Commission level.

Mayor Kennedy supported the process being conducted in parallel.

Council Member Cook expressed concern that individuals were going to wait for the Planning Commission to discuss the application on January 16, 2001. This was the reason she opposed the motion. She did not believe that this was good planning and felt that it should be a parallel process. If there was some direction to the Planning Commission that it has a pre meeting that sets out its parameters for the January 16, 2001 meeting, she would support the motion.

Mayor Kennedy said that the Planning Commission and staff would develop a jointly prepared work plan to achieve this objection. It was his believe that this was the intent of the motion.

**Action:**        *On a motion by Council Member Cook and seconded by Council Member Sellers, the City Council unanimously (5-0) **agreed** to reconsider the vote on the motion.*

**Vote:**        *The vote on the motion carried 4-1 with Mayor Pro Tempore Tate voting no.*

## ***City Council and Redevelopment Agency Action***

### **CONSENT CALENDAR:**

**Action:**        *On a motion by Vice-chairman/Council Member Sellers and seconded by Agency/Council Member Chang, the Agency Commission/City Council unanimously (5-0) **approved** Consent Calendar Item 8 as follows:*

#### **8.        JOINT CITY COUNCIL AND SPECIAL REDEVELOPMENT AGENCY MEETING MINUTES OF OCTOBER 4, 2000**

**Action:** **Approved** the Minutes as submitted.

**CLOSED SESSION:**

City Attorney Leichter indicated that if the Council believes that a closed session meeting is not necessary, that the City Council can forgo the closed session.

**CONFERENCE WITH LEGAL COUNSEL - POTENTIAL LITIGATION**

Legal Authority:	Government Code 54956.8 & 54956.9(c) (1 potential case)
Real Property(ies) involved:	APN 728-31-007 & 008; 25.50 acres located on the southwesterly side of Road (St. Louise Hospital property)
City Negotiators:	Agency Members; Executive Director; Agency Counsel; and F. Gale Conner, special counsel
Closed Session Topic:	Potential Litigation

**Action:**        *The City Council **agreed** not to conduct a closed session.*

**FUTURE COUNCIL-INITIATED AGENDA ITEMS:**

No items were noted.

**ADJOURNMENT**

There being no further business, Mayor Kennedy adjourned the meeting at 8:35 p.m.

**MINUTES RECORDED AND PREPARED BY:**

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**Irma Torrez, Agency Secretary/City Clerk**